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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,954	09/28/2001	Kenneth J. Lancos	5243P003	3312
8791	7590	12/28/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			PAIK, STEVE S	
12400 WILSHIRE BOULEVARD				
SEVENTH FLOOR			ART UNIT	PAPER NUMBER
LOS ANGELES, CA 90025-1030			2876	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/965,954	LANCOS ET AL.	
Examiner	Art Unit		
Steven S. Paik	2876		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 September 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 17 January 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/12/04;5/5/04;  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: *See Continuation Sheet.*

Continuation of Attachment(s) 6). Other: IDS filed 10/21/02;2/22/02;1/29/02.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, and 7-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sher (US 5,566,327).

Re claim 1, Sher discloses a method of accumulating marketing data from a plurality of guests of a coverage area (theme park), comprising:

creating a plurality of guest data objects (biometric data, security data, and financial data) pertaining respectively to said plurality of guests, wherein each of said guest data objects includes (Fig. 5) a first data field containing information related to statistical or demographic of the corresponding guest (col. 6, ll. 1-54) and a second data field containing information related to one or more purchases (foods or rides) made by the corresponding guest within said coverage area or related to one or more events attended by the corresponding guest within said coverage area.

Re claim 2, Sher discloses the method as recited in rejected claim 1 stated above, wherein said plurality of guest data objects comprises:

reading tag identifiers stored in identification tags (data card – contactless smart card) respectively worn by said guests each time said guests respectively purchases one or more items

or services (foods) within said coverage area (theme park) or respectively attends one or more events (rides) within said guests;

accessing said plurality of guest data objects using said tag identifiers; and

writing said information related to said one or more purchases made of said one or more events attended to said second data fields of said guest data objects respectively (The smart card reader 11 allows the PC-machine 14, or any other computer terminal, to read data from, or to write data into, the visitor guest card 13 that is inserted, or placed in the vicinity of, the smart card reader.).

Re claims 4 and 8, Sher discloses the method as recited in rejected claims stated in this office action, further comprising:

obtaining said information related to statistical or demographic of respective guests; and

writing said information related to statistical or demographic of respective guests into said first data fields of said guest data objects respectively (The smart card reader 11 allows the PC-machine 14, or any other computer terminal, to read data from, or to write data into, the visitor guest card 13 that is inserted, or placed in the vicinity of, the smart card reader.).

Re claims 5, 9, 11-13, Sher discloses a central server (Fig. 1) to facilitate transactions within a coverage area (such as a theme park) comprising:

a non-volatile memory to store a plurality of group data objects containing a first data field containing information related to purchase made by the corresponding guest within said coverage area or related to one or more events attended by the corresponding guest within said coverage area; (col. 2, ll. 20-63 and see Fig. 5);

a network coupled to a data center (POS station or kiosk system); and;

a processor (within the PC-machine 14) to transmit said guest data object to said data center by way of network interface (16 or 23 in Fig. 1)

Re claims 7, 10, 14, Sher discloses the server as recited in rejected claims stated above, where the guest data object further includes a second data field to containing statistical or demographic information related to the corresponding guest (col. 6, ll. 1-54).

Re claims 15 and 17, Sher discloses a guest data object (biometric or security or financial data) stored in a memory (data card- smart card includes a memory) comprising a first data field (biometric data) containing information related to an identity of a guest and a second data field containing information related to one or more purchases made (foods) or one or more events (rides) attended by said guest within a coverage area (theme park).

Re claims 16 and 18, Sher discloses the server as recited in rejected claims 15 and 17 stated above, further comprising a third data filed containing statistical or demographic information (Fig. 5) about the guest.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sher (USPN 5,566,327) in view of Miyata (USPN 6,484,947).

Re claims 3 and 6, Sher discloses a computerized theme park information management system (Fig. 1) using either contact type (col. 4, line 60) or non-contact type smart cards (col. 4, line 60; the visitor guest card 13 placed in the vicinity of the smart card reader teaches that the smart card including a non-volatile memory is a contact-less type) and a method of keeping an accurate record of monetary transactions. The system and method comprise steps of receiving payment from a guest (steps 105-107 in Fig. 6A) for monetary credits, reading an identification tag (114 in Fig. 6B) to get identifying information. The steps further include accessing a guest data object stored in a central server (databases 10, 20 and 30 correlate to a control center 1) using the tag identifier (col. 4, ll. 57-61) and modifying information stored in said central server related to monetary credits in a data field of said guest data object based on an amount of the payment (col. 2, lines 33-44). Sher further discloses that the visitors (guests) may select the card type they prefer to use during their visits, keep as a souvenir or collectors item, or even reuse at a subsequent visit. The reference also teaches that a processor (such as a PC 14 in the control center in Fig. 1) coupled to the smart card reader (11; capable of reading a contact and a non-contact type smart card), an input device (such as a keyboard) and a network interface (communications links such as 23 and 16) to cause a transmission of the tag identifier and payment information to central server (databases 10, 20, 30 correlate to a control server 1).

Although the visitors may choose different graphics, colors, logos or text imprinted on the card body, Sher does not explicitly disclose a RFID tag that is worn by a guest.

Miyata discloses a portable non-contact type personal identification system using a radio wave to communicate with a reader (an external processing unit; col. 7, ll. 27-30). The system making utilization of data storage media is used as a means for facilitating the checking of

visitors (guests), the identifying of persons, or the administering of payments of fees etc. in recreation sites and facilities with a capacity of accommodating a large number of people such as sports stadiums, large-scale exhibition halls, and amusement parks (col. 1, ll. 12-20). Miyata further discloses fundamental functions of the non-contact type personal identification, which is almost identical to that of Sher. In addition, Miyata's invention is integrating a data storage medium to a wearable object such as a wristwatch to form a portable and wearable radio wave non-contact type personal identification system. Through the integration process, one can eliminate the repeated action of taking the storage medium in and out of a pocket, a wallet, or a bag. The process further reduces a possibility of losing the storage medium resulted in frequent requirement of presenting it close to its reading device.

In view of Miyata reference, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the integration step of combining a radio wave non-contact type data storage medium with a human wearable object such as a wristwatch in addition to a non-contact card type data storage device of Sher due to the fact that the data storage medium can be read by a reading device without taking it in and out of a pocket, a wallet or a bag frequently for the purposes of providing convenience to the data storage medium holder and reducing the possibility of losing the device. Furthermore, such modification of integrating a data storage medium into a portable and/or wearable object would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mollett et al. (US 6,505,772) discloses an information management system for operation in a predetermined coverage area implementing a multi-purpose card held by a designated individual.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex\*).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven S. Paik  
Primary Examiner  
Art Unit 2876

ssp